

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CHARLES MACK,

Plaintiff,

**9:18-cv-875
(GLS/CFH)**

v.

BARRY HALL et al.,

Defendants.

SUMMARY ORDER

On July 27, 2020, Magistrate Judge Christian F. Hummel issued a Report-Recommendation and Order (R&R), which recommends that the motions for summary judgment of defendants Sarah deWing, Barry Hall, and Jessica Jayasena be granted. (Dkt. No. 43.) Pending before the court are plaintiff *pro se* Charles Mack's objections to the R&R. (Dkt. No. 47.)

Only specific objections warrant de novo review. *See Almonte v. N.Y. State Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at *3-5 (N.D.N.Y. Jan. 18, 2006). Objections that are general, conclusory, frivolous, or a mere reiteration of an argument already made to the Magistrate Judge trigger only clear error review. *See id.* at *4-5.

Mack's objections fail to address any of the findings made by Judge Hummel. Rather, Mack merely reiterates arguments already presented to,

and rejected by, Judge Hummel. (See *generally* Dkt. Nos. 38, 47.) Given that Mack's arguments are devoid of any specific objections to the substance of Judge Hummel's analysis, they trigger review for clear error only, see *Almonte*, 2006 WL 149049, at *5-6, of which the court finds none. Accordingly, the R&R, (Dkt. No. 43), is adopted in its entirety.

Additionally, to the extent that Mack attempts to request a video from the e-pod camera as well as a copy of the e-pod log book for March 12, 2020, and subpoena an e-pod officer as well as a "grievance officer[, and] his wife in medical staff," (Dkt. No. 47 at 4), such requests are denied. See *Kuchma v. City of Utica*, No. 6:19-CV-0766, 2020 WL 967168, at *3 (N.D.N.Y. Feb. 28, 2020) ("[E]ven if such evidence were material, its introduction during the objection phase of the report-recommendation procedure would frustrate the purpose of the Federal Magistrate Act of 1968."). Indeed, the opportunity to make such a motion has long since passed, (Dkt. No. 24), and, in light of the disposition of this case, is moot.

Accordingly, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 43) is **ADOPTED** in its entirety; and it is further

ORDERED that deWing's motion for summary judgment (Dkt. No. 34)

is **GRANTED**; and it is further

ORDERED that Hall's and Jayasena's motion for summary judgment (Dkt. No. 35) is **GRANTED**; and it is further

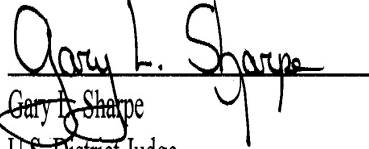
ORDERED that the amended complaint, (Dkt. No. 10), is **DISMISSED**; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Summary Order to the parties.

IT IS SO ORDERED.

September 28, 2020
Albany, New York



Gary L. Sharpe
U.S. District Judge